

Date... 11-30-07

Permit No... 07-95

## TOWN OF ACTON

## APPLICATION FOR PERMIT TO CONSTRUCT WITHIN A PUBLIC WAY

This application must be submitted not less than five (5) days prior to any Construction within a public way.

Notice 24 hours in advance of any construction must be given to the Town Engineer.

1. Permittee: Mill Corner LLC Address: 6 Celtic Ave
- 1A. Telephone #: (978) 764-6026
2. Location of Proposed Construction: 140 Main St. Central Street Cut
3. Purpose of Construction: Raising Catch Basin in Street
4. Length of Cut: 18'
5. Width of Cut: 6'
6. Width of Existing Pavement: 5'?
7. Type of Existing Roadway Surface: Bit Type of Curb:
8. Type of Existing Sidewalk Surface: Bit Type of Shoulder:
9. Date of Street Opening: From 12-3-07 To 12-7-07
10. For Work Involving Excavations: Dig Safe Number 20074808315

I, the undersigned, hereby declare that I have read and agree to the Town of Acton Specifications for Regulating Construction with Public Ways dated January 8, 1991. I have deposited the required bond with the Town of Acton, and I covenant and agree that the Town may deduct from this amount the cost of repairs to the road surface, curbs, shoulders, walls or other features within the right-of-way including replacing bounds if not completed by me to the satisfaction of the Town Engineer within the specified time.

## Special Instructions:

Signature of Applicant: 

- See the attached sheet for special conditions & plans. only in front of the driveway
- Contractor is proposing to cut into the Central St road pavement by about 3' to correct a low area by the existing CB in the driveway span.
- The contractor is allowed to raise the CB Frame ~~and~~ while maintaining the gutterline of Central Street
- The contractor will cut-back the pavement for the sidewalk and repair the new ends/marks.

Permit Issued: Date 12/14/07 By: 

Application Denied: Date By:

Work Inspected and Approved: Date 4/25/08 By: 

(over)

12/6  
10-

copy,

Lisa Wood

978-772-2284

element plan  
140 min St.

12/5/07  
12:50 PM  
Lett. Messy.

**Town of Acton  
Permit to Construct Within a Public Way  
(Final Partial Release)**

**To:** Town Treasurer

**Date:** April 25, 2008

**From:** Engineering Department

**Subject:** Permit to Construct Within a Public Way #

2007-095

Please release a portion of performance deposit in the form of:

Certified Check #: \_\_\_\_\_

Bank: \_\_\_\_\_

Personal Check #: \_\_\_\_\_

Bank: \_\_\_\_\_

Other (specify): Fidelity Bank

In the amount of \$ 5,000.00 , to (Permitee)

Mill Corner LLC

as security for Permit to Construct Within a Public Way #

2007-095

located at (address) 140 Main Street

(1-9 Central St)

For authority, see section 3.1 of the Town of Acton Specifications for Regulating Construction Within Public Ways. All, or a portion of the deposit posted has been forfeited by the applicant for failure to complete the proposed work.

Account #: 8101-579100

Original Deposit Amount.....	\$	5,000.00
Net Decrease from Previous Releases or Forfeitures.....	\$	3,500.00
<b>Amount to be Forfeited: (Payable to _____)</b> .....	\$	-
<b>Amount to be Released: (payable to the Applicant).....</b>	\$	1,500.00
 Final Remaining Deposit Balance	 \$	 0.00

Mailing Address:

Mill Corner LLC

6 Celtic Ave

Billerica, MA 01821

Signed: \_\_\_\_\_

Acton Engineering Department

**Town of Acton**  
**Permit to Construct Within a Public Way**  
**(Partial)**

**To:** Town Treasurer

**Date:** March 19, 2008

**From:** Engineering Department

**Subject:** Permit to Construct Within a Public Way #

2007-095

Please release a portion of performance deposit in the form of:

Certified Check #:

Bank:

Personal Check #:

Bank:

Other (specify):

Fidelity Bank

In the amount of \_\_\_\_\_, to (Permitee)

Mill Corner LLC

as security for Permit to Construct Within a Public Way #

2007-095

located at (address)

140 Main Street

For authority, see section 3.1 of the Town of Acton Specifications for Regulating Construction Within Public Ways. All, or a portion of the deposit posted has been forfeited by the applicant for failure to complete the proposed work.

Account #: <sup>579100</sup>8101-484801

Original Deposit Amount.....	\$	5,000.00
Net Decrease from Previous Releases or Forfeitures.....	\$	-
Amount to be Forfeited: (Payable to _____).....	\$	-
Amount to be Released: (payable to the Applicant).....	\$	3,500.00
Final Remaining Deposit Balance	\$	1,500.00

Mailing Address:

Mill Corner LLC

6 Celtic Ave

Billerica, MA 01821

Signed:

Acton Engineering Department

3/19/08 cgy  
- Permit application  
Made under wind  
regulations on  
Nov. 30th  
- No work was  
done during the winter  
season  
- Releasing the  
amount to  
the street  
\$1500 for  
for now  
Consider  
season  
(after the  
work to tak.  
place within the  
next 2-3 weeks)

**Town of Acton  
Permit to Construct Within a Public Way  
(Hold)**

**To:** Town Treasurer

**Date:** December 14, 2007

**From:** Engineering Department

**Subject:** Permit to Construct Within a Public Way #

2007-095

Please hold the enclosed performance deposit in the form of:

Certified Check #: \_\_\_\_\_

Bank: \_\_\_\_\_

Personal Check #: \_\_\_\_\_

Bank: \_\_\_\_\_

Other (specify): Fidelity Bank

In the amount of \$ 5,000.00 , from (Permitee)

Mill Corner LLC

as a security for Permit to Construct Within a Public Way #

2007-095

located at (address) 140 Main Street

For authority, see section 3.1 of the Town of Acton Specifications for Regulating Construction Within Public Ways. This deposit is to be held until released in writing by this department.

Account #: 8101-484001

Amount: \$ 5,000.00

Mailing Address:

Mill Corner LLC

6 Celtic Ave

Billerica, MA 01821

Signed: \_\_\_\_\_

  
Acton Engineering Department

**MILL CORNER, LLC**  
200 AYER ROAD  
HARVARD, MA 01451

**FIDELITY BANK**  
FITCHBURG-LEOMINSTER-GARDNER  
MILLBURY-SHIRLEY-WORCESTER  
53-7070-2113

12/4/2007

1257

PAY TO THE  
ORDER OF Town of Acton

\$ \*\*5,000.00

Five Thousand and 00/100\*\*\*\*\*

DOLLARS

Town of Acton  
472 Main Street  
Acton, MA 01720-3995

MEMO

Parking Lot Bond

⑈001257⑈ ⑆211370707⑆ 080002615⑈



MP

**MILL CORNER, LLC**

1257

Date	Type	Reference	Original Amt.	Balance Due	Discount	12/4/2007	Payment
12/4/2007	Bill	120407	5,000.00	5,000.00		Check Amount	5,000.00
							5,000.00

Fidelity Bank - Operati Parking Lot Bond

5,000.00

**Special Conditions**  
**Relating to**  
**Permit to Construct Within a Public Way # 2007 - 95**  
**Location: 1-9 Central St (140 Main St)**

**Construction Methods:**

All construction shall meet the standards set forth in the **Town of Acton Specifications For Regulating Construction Within Public Ways** dated January 8, 1991.

Any sidewalk reconstruction shall be in accordance with the Architectural Access Board requirements set forth in **521 CMR**.

**Inspection Schedule:**

The contractor is responsible to contact the Acton Engineering Department 24 hours in advance of the start of any excavation and/or necessary inspections. (978) 264-9628

**Survey Plans<sup>1</sup>:** SEE SPS # 406 (140 Main St)

<sup>1</sup> If any survey markers (i.e. stone bounds, iron pipes, drill holes in stone walls, etc...) are damaged or destroyed during construction, the Permittee will be required to hire a registered land surveyor to reset the monuments and certify the new locations.

**Road Pavement<sup>2</sup>:** 1997 Road

Sidewalk was repaved about 2-3 years ago

<sup>2</sup> The cutting of road surfaces less than 3 years old will not be permitted, unless final patching is done with infrared patching equipment.

No work is allowed to take place within the road pavement between November 15<sup>th</sup> & March 15<sup>th</sup> (Special Winter Regulations apply during these months).

**Traffic:**

Applied under these regulations

Police Details as required by the Acton Police Department (978) 264-9638

No work is allowed to take place within the road during the AM & PM peak travel times, unless approved in advance by the Acton Engineering and Police Departments.

**Public Shade Trees:**


Any work within the dripline of a public shade tree (MGL Ch 87) will be subject to approval by the Acton Tree Warden - (978) 264-9629





**Town of Acton**

# Memo

**To:** The Board of Selectmen  
**From:** John Murray   
**Date:** 11/23/99  
**Re:** Permit to Open the Roadway

The Engineering Department has an internal policy that public roadways cannot be opened after November 15<sup>th</sup> of each year. David Abbt believes this policy has served the Town well in the past. The date was based upon weather patterns and the operating schedule of bituminous concrete (hot-top) plants.

Bituminous concrete plants added heated trucks to their fleet, which enabled the plants to operate year-round. Each year, the hard frost seems to occur later than November 15<sup>th</sup>, and the five-day forecast is more reliable. Therefore, it is more difficult to substantiate the need for a hard cut-off date and staff would like the Board of Selectmen to consider relaxing the "no road cut" policy based the hard date of November fifteenth.

Staff would like the Board to accept in concept the following plan.

- ❖ The normal fee of \$50 would be raised to \$200 for road cuts after November 15<sup>th</sup>, due to the necessity of more inspections.
- ❖ A \$4,500 bond would be required for all applicants *← cash only*
- ❖ All road cuts would have to be closed and re-paved within 36 hours.
- ❖ If the road cut was not closed and re-paved within the 36 hour period and an extension was not granted by the Town of Acton, then the applicant would forfeit \$1,500 of the bond for the Town to complete the project. The Town would levy a penalty of \$1,500 for violation of the permit conditions and the final \$1,500 would be retained until the summer for staff to determine if the roadwork needed further repair.
- ❖ If the road cut was closed appropriately, the Town would refund \$1,500 of the bond proceeds. Further the Town would retain the second \$1,500 until April 15<sup>th</sup> for emergency winter repairs. The final \$1,500 would be retained until the summer for staff to determine if the roadwork needed further repair.

Staff believes this plan adequately protects the interests of the taxpayer, while providing the greatest flexibility for the applicant.

2.1.3 Working Around Public Shade Trees - Any work within the drip line of a public shade tree shall be performed in accordance with the following guidelines, and will be subject to the approval of the Acton Tree Warden, 472 Main Street, Acton, MA 01720, (508) 264-9629.

2.1.3.1 Removal of public shade trees is subject to M.G.L. Chapter 87, Section 3. (i.e. The tree must be posted and a public hearing held prior to removal.)

2.1.3.2 Hand trenching, tunneling or removal of tree roots will be performed at the discretion of the Tree Warden.

2.1.3.3 No trenches within the drip line of any public shade tree will be allowed to remain open overnight.

2.1.3.4 Pruning of roots or branches, or repairs to tree trunks must comply with the best arboricultural practices.

2.1.3.5 Inspections performed by the Acton Tree Warden will be billed to the permittee at a rate of \$30.00 per hour.

2.1.4 New Roads - The cutting of paved road surfaces less than three (3) years old will not be permitted, unless final patching is done with infrared patching equipment.

2.1.5 Seasonal Limits for Construction - No paved road surface may be cut between November 15 and March 15, except that in the interest of public safety and convenience the Town Manager or his designee may issue a permit to a public utility company for an emergency repair to an existing facility.